

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ACTIVEVIDEO NETWORKS, INC.,

No. C-13-1980 EMC

Plaintiff,

v.

**ORDER RE SUPPLEMENTAL
EVIDENCE**

TRANS VIDEO ELECTRONICS, LTD.,

(Docket No. 8)

Defendant.

The Court has reviewed the sur-reply filed by Plaintiff ActiveVideo Networks, Inc. ("AV"), in which it argues, *inter alia*, that the covenant not to sue proposed by Trans Video Electronics, Ltd. is inadequate. AV asserts, for instance, that the covenant is deficient because it covers only AV and not any of its customers. The Court hereby orders AV to provide evidence as to whether it has indemnity agreements with its customers. *See, e.g., Microchip Technology Inc. v. Chamberlain Group*, 441 F.3d 936 (Fed. Cir. 2006); *Visto Corp. v. Sproqit Techs., Inc.*, No. C-04-0651 EMC, 2006 U.S. Dist. LEXIS 96173 (N.D. Cal. Oct. 4, 2006).

The supplemental evidence shall be filed by August 15, 2013.

IT IS SO ORDERED.

Dated: August 12, 2013



EDWARD M. CHEN
United States District Judge